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10/758,735	01/16/2004	Ronald T. Crocker	CE11573R	6383

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EXAMINER	
HOLLIDAY, JAIME MICHELE	
ART UNIT	**PAPER NUMBER**
2617	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/758,735	CROCKER ET AL.	
	Examiner	Art Unit	
	Jaime M. Holliday	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Arguments

Applicant's arguments filed October 30, 2007 have been fully considered but they are not persuasive.

Applicants basically argue that the prior art of record, particularly Koch, does not disclose "receiving, by the MS, updated buddy list presence information via the TCH supporting the call request," "wherein the presence information is sent via a traffic channel supporting a call involving the MS," "adapted to receive an updated buddy list presence information via the TCH supporting the call request and the transceiver," or any claim variation pertaining to this feature. Further, Applicants argue that Koch's call waiting information does not teach or suggest sending presence information from the buddy list, and call waiting information is only sent when the buddy calls the subscriber.

Examiner respectfully disagrees, because the system acts upon the received call based on whether or not the caller is on the subscribers buddy list, and if so, it follows rules regarding how to complete or disconnect the call. The presence (buddy is calling" is updated to the subscriber when the buddy calls. The independent claims do not define the "condition," for updating the presence information, and in silent regarding the updating of information for active and inactive buddy devices. Therefore, Examiner maintains previous rejections in view of the preceding arguments.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. **Claims 1, 2, 5-8, 10, 11, 13 and 16-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Michael et al. (US 2004/017263) in view of Salomaki (US 2003/0065788), and in further view of Koch et al. (US 2004/0234061).

Regarding Claim 1, Michael discloses a method for facilitating wireless presence- based services comprising: exchange of updated buddy list presence information, (interaction between presence server unit 1104 and the dynamic proxy 1114 including communication between the presence server and the dynamic proxy by the provision of presence update information, see page 2, [0020-0021], maintaining, by the WPP, a buddy list presence information reflecting the buddy list presence update for the MS (dynamic presence proxy updates logged parties' presence, page 2, [0021]), and when a condition for updating the MS exists, sending, by the WPP, presence information from the buddy list presence information to update the MS (sending of presence update to logged in watching parties that re monitoring Juliet's presence, page 2, [0021], and dynamic presence proxy using user's watcher list and updating user presence information, page 2, [0023]). Michael fails to explicitly disclose the receiving by a wireless proxy from a presence server, a buddy list presence update for a mobile station.

In an analogous field of endeavor, Salomaki discloses a mobile messaging and presence service system that includes presence servers and presence proxies (see

page 11, [0121]), wherein the presence proxy caches updated presence information which comes from a presence server with the server informing the proxy about the validity period of presence values cached by the proxy (see page 11, [0123-0124]).

It would therefore have been obvious to one of ordinary skill in the art to ensure that updated presence information is provided dynamically to presence proxies in order to improve the scalability of presence service using various presence attributes as taught by Salomaki.

Michael, as modified by Salomaki, fails to explicitly disclose wherein the presence information is sent via a TCH supporting a call.

In an analogous field of endeavor, Koch et al. disclose wherein the presence information is sent via a traffic channel supporting a call involving the MS (a method for delivering person-to-person services to a telephone subscriber. A telephone number of a buddy of the subscriber is associated with a buddy rule on a buddy list. The buddy list is accessible by a service control point. Using the called number, the service control point retrieves and reviews the buddy list. If the calling number matches the telephone number on the buddy list, the service control point instructs the service switching point to terminate the call using the buddy rule. If the calling number does not match the telephone number on the buddy list, the service control point instructs the service switching point to terminate the call using a default rule (abstract). A call from a buddy may be alerted to the subscriber when the subscriber is already engaged with another call in the Buddy Call Waiting Service (see page 5, [63]). SCP **140** may consult the buddy list in database **142**, and if it is determined that the caller is a buddy, the SCP

sends a buddy response to SSP **116**. The buddy response may also comprise a ControllingLegTreatment field. The ControllingLegTreatment field may contain a standard call waiting tone indication. The SSP alerts subscriber **110** with the standard calling waiting tone) (see page 5, [67-68]).

It would therefore have been obvious to one of ordinary skill in the art to allow a subscriber to associate rules with buddies, and applying the rules when notifying the subscriber of an incoming call as taught by Koch et al.

Regarding claim 2, Michael, further discloses subscribing, by the WPP, to a presence service from the presence server as a proxy for the MS (dynamic presence proxy adapted to monitor and identify a user being present, page 1, [0005], dynamic presence proxy interacting with presence server, page 2, [0020]).

Regarding claim 5, Michael further discloses wherein a condition for updating the MS comprises a wireless resource-efficient condition for updating the MS (dynamic presence proxy using the watcher's list and updating the user's presence information, which is transmitted to the contact lists of the corresponding watcher's of the user, page 2, [0024]).

Regarding claim 6, Michael's teaching of determining whether the calling party is a presence user and using the watcher's list to update the calling party's presence status, page 2, [0020]), reads on wherein a condition for updating the MS exists when the WPP receives an indication that the MS is assigned a traffic channel with the call making constituting the traffic channel assignment.

Regarding claim 7, Michael further discloses Wherein the indication that the IV1S is assigned a TCH comprises an indication from the group consisting of an indication of a call origination by the MS, an indication of call activity involving the MS, and an indication of a TCH assignment to the MS (offline users making a call to another user or to a remote party, page 2, [0020]).

Regarding claims 8 and 10, Michael further discloses wherein the presence information is sent to the MS via the TCH and wherein the presence information is sent to the MS as data on the TCH (updated status being transmitted to the logged in users, page 2, [0020]).

Regarding claim 11, Michael's teaching of Juliet being registered but not logged on (see page 2, [0021]), meets the limitation of the condition for updating the MS exists when the WPP receives an indication of the MS being in a semi-dormant mode.

Regarding claims 13, 16, 18, 19 and 20, Michael further discloses wherein a condition for updating the MS exists when the WPP receives an indication of a registration by the MS and updating, by the WPP, a presence server with a status of available, unavailable, busy and available for the MS in response to receiving an indication from the group consisting of an indication of a call completion by the MS and an indication of a registration by the MS (presence server receiving watcher list of registered, logged in users, page 2, [0021]-[0025]).

Regarding claim 17, Michael further discloses wherein the buddy list contains the most recent information received by the WPP (dynamic presence proxy telling watcher

list database manager to update its watcher list containing the caller which is transmitted to the watchers, page 2, [0025]).

3. **Claims 3, 4, 9 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Michael et al., Salomaki and Koch et al. as applied to claim 1 above, and further in view of Birkler et al. (US 2002/0129103).

Regarding claims 3 and 4 the combination of Michael and Salomaki as modified by Koch et al. fail to disclose wherein a condition for updating exists when a predefined time has elapsed wherein when a predefined period of time has elapsed since an oldest change to the buddy list presence information.

In an analogous filed of endeavor, Birkler discloses a method for updating presence information when a client receives an update for the clients contact list stored at the server wherein in response to an update request a comparison is made and a delay is instituted during which an updated presence information is received and which is made available to the client (see page 2, [0020], [0023]).

It would therefore have been obvious to one of ordinary skill in the art to provide for the updated information to be provided only when such information becomes available in order to avoid unnecessary use of limited network resources by modifying the system of Michael, Salomaki and Koch et al. as taught by Birkler.

Regarding claims 9 and 12 the combination of Michael and Salomaki as modified by Koch et al. fail to explicitly teach wherein the presence information is sent to the MS

via a short data burst messaging, wherein a condition for updating the MS exists when the WPP receives a presence update request from the MS.

In an analogous filed of endeavor, Birkler discloses a method for updating presence information when a client receives an update for the clients contact list stored at the server and made available to the requesting client using SMS protocol by the messaging terminal to contact the IM server, see page 2, [0017]).

It would therefore have been obvious to one of ordinary skill in the art to provide for the provision of buddy or contact list updated presence information quickly as taught by Birkler using SDB in the system of Michael, Salomaki and Koch et al. in order to avoid delays in providing updated information for subscribers in a timely fashion without undue delay.

4. **Claims 14 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Michael et al., Salomaki and Koch et al. as applied to claim 1 above, and further in view of Black (6,895,425).

Regarding claims 14 and 15, the combination of Michael and Salomaki as modified by Koch et al. fail to teach that the presence information is sent to the MS via a PCH and wherein the presence information is sent to the MS via SDB on the PCH.

Black discloses a communication system for providing group communications wherein a paging channel may be used to send SDB messages (see page7, [0071]).

It would therefore have been obvious to one of ordinary skill in the art to combine Black's group communication system with Michael and Salomaki's system in order to be

able to use SDB messages for group communications which would reduce significant latency in group communications as taught by Black.

5. **Claims 21, 29 and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over McDowell et al. (US 2002/0035605) in view of Koch et al. (US 2004/0234061).

Regarding claims 21 and 33, McDowell discloses a method for facilitating wireless presence-based services comprising: sending by a mobile station, a call request and receiving by the mobile station an inherent traffic channel assignment to support the call request (feature of Presence server determining if a subscriber's phone is ON, see page 10, [0103]). It is inherent that the phone being ON indicates a call request and a subsequent assignment of a TCH to support the call (see page 8, [0094] and page 10, [0103]). McDowell fails to explicitly disclose receiving updated buddy list presence information via the TCH supporting the call request.

In an analogous field of endeavor, Koch et al. disclose a method for delivering person-to-person services to a telephone subscriber. A telephone number of a buddy of the subscriber is associated with a buddy rule on a buddy list. The buddy list is accessible by a service control point. Using the called number, the service control point retrieves and reviews the buddy list. If the calling number matches the telephone number on the buddy list, the service control point instructs the service switching point to terminate the call using the buddy rule. If the calling number does not match the telephone number on the buddy list, the service control point instructs the service

switching point to terminate the call using a default rule (abstract). A call from a buddy may be alerted to the subscriber when the subscriber is already engaged with another call in the Buddy Call Waiting Service (see page 5, [63]). SCP **140** may consult the buddy list in database **142**, and if it is determined that the caller is a buddy, the SCP sends a buddy response to SSP **116**. The buddy response may also comprise a ControllingLegTreatment field. The ControllingLegTreatment field may contain a standard call waiting tone indication. The SSP alerts subscriber **110** with the standard calling waiting tone (see page 5, [67-68]).

It would therefore have been obvious to one of ordinary skill in the art to allow a subscriber to associate rules with buddies, and applying the rules when notifying the subscriber of an incoming call as taught by Koch et al.

Regarding claim 29, McDowell further discloses wherein receiving the updated buddy list presence information comprises receiving the updated buddy list presence information from a presence server (messages and buddy list updates to and from the wireless clients passing through the PLIM system's IM server, page 8, [0094]).

6. **Claims 22-28 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over McDowell et al. and Koch et al. as applied to claims 21 and 29 above, and further in view of Birkler et al. (US 2002/0129103).

Regarding claims 22-24, McDowell and Koch et al. fail to specifically disclose wherein receiving the updated buddy list presence information comprises receiving the updated buddy list presence information from a wireless proxy server, wherein the MS

sends a presence update request to the WPP via the TCH supporting the call request, with the buddy list presence information being received in response to the presence update request, wherein the MS sends an indication that the MS is on a TCH.

In an analogous filed of endeavor, Birkler discloses a method for updating presence information when a client makes an update request for the clients contact list stored at the server and made available to the requesting client with the request being at the beginning of an instant messaging session which constitutes an indication of presence on a TCH (see page 2, [0020 -0021]).

It would therefore have been obvious to one of ordinary skill in the art to provide for the provision of buddy or contact list updated presence information quickly as taught by Birkler in the system of McDowell and Koch et al. in order to avoid delays in providing updated information for subscribers in a timely fashion without undue delay.

Regarding claim 25, the combination of McDowell and Koch et al., as modified by Birkler meets sending by the MS, an indication to the WPP of a call type associated with the call request being supported by the TCH (feature of request being made by client 120), (see Birkler, page 2, [0019-0020]).

It would therefore have been obvious to one of ordinary skill in the art to provide for the provision of buddy or contact list updated presence information quickly as taught by Birkler in the system of McDowell and Koch et al. in order to avoid delays in providing updated information for subscribers in a timely fashion without undue delay.

Regarding claims 26-27, McDowell further discloses wherein the call request comprises a message for mf the group consisting of an origination message, a page

response message and a reconnect message, data call request and voice call request (feature of Presence server determining if a subscriber's phone is ON, see page 10, [0103]). It is inherent that the phone being ON for instant messaging indicates a call request through an origination message and a data call request.

Regarding claim 28, the combination of McDowell and Koch et al., as modified by Birkler further discloses as taught by Birkler wherein the call request is sent via a short data burst and the updated buddy list presence information is received via SDB (feature of using SMS protocol by the messaging terminal to contact the IM server, see page 2, [0017]).

It would therefore have been obvious to one of ordinary skill in the art to provide for the provision of buddy or contact list updated presence information quickly as taught by Birkler in the system of McDowell and Koch et al. in order to avoid delays in providing updated information for subscribers in a timely fashion without undue delay.

Regarding claim 30, the combination of McDowell and Koch et al., as modified by Birkler further discloses sending by the MS, a request message to the presence server (see Birkler, page 2, [0019- 0020]).

It would therefore have been obvious to one of ordinary skill in the art to provide for the provision of buddy or contact list updated presence information quickly as taught by Birkler in the system of McDowell and Koch et al. in order to avoid delays in providing updated information for subscribers in a timely fashion without undue delay.

7. **Claim 31** is rejected under 35 U.S.C. 103(a) as being unpatentable over McDowell et al., Koch et al. and Birkler et al as applied to claim 30 above, and further in view of Mukherjee et al. (US 2003/0073440).

Regarding claim 31, the combination of McDowell and Koch et al., as modified by Birkler fail to specifically discloses wherein the sending the presence update request message comprises sending the presence update request message to the presence server when the request is a voice call request.

In an analogous field of endeavor, Mukherjee discloses a method for detecting and transporting dynamic presence information over a wireless and wireline network wherein in response to a call connection event from presence client to a presence client subscriber (see page 8, [0117]). According to Mukherjee, dynamic presence information may be used to determine whether a user can take a call, available for a meeting or available or used to determine the physical location of a user (see page 3, [0049-[0050]).

It would therefore have been obvious to one of ordinary skill in the art top provide for the use of dynamic presence information to provide a various presence applications in which users can be provided updated presence information as the information becomes available using available communication means such as voice calling as taught by Mukherjee.

8. **Claim 32** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kadyk et al. (6,895,425) in view of Salomaki (US 2002/0129103), and in further view of Koch et al. (US 2004/0234061).

Regarding claim 32, Kadyk discloses a wireless proxy server for facilitating wireless-presence based services, the WPP (130) comprising (with reference to Figs. 1-3): a network interface adapted to send and receive messaging using at least one communication protocol (capability of expert proxy server 130 to receive from wireless device and transmit to wireless device, see Figs. 1-3, col. 2, lines 48-57 and col. 5, lines 34-65), a processor, communicatively coupled to the network interface (inherent in server being able to determine service is to be provide and providing the service to the mobile terminal, see col. 2, lines 61-67, col. 3, lines 46-59 and col. 4, lines 44-62, col. 7, line 56 to col. 8, line 2). Kadyk teaches the provision of updated presence information in response to individual requests from the wireless device when a condition for updating the MS exists (see col. 7, line 67 to col. 8, line 2), but fails to explicitly teach the WPP is adapted to receive from a presence server via the network interface, a buddy list presence update from a mobile station presence information specifically from the buddy list presence information.

In an analogous field of endeavor, Salomaki discloses a mobile messaging and presence service system that includes presence servers and presence proxies (see page 11, [0121], wherein the presence proxy caches updated presence information which comes from a presence server with the server informing the proxy about the validity period of presence values cached by the proxy including maintaining buddy list

presence information reflecting the buddy list presence update for the MS (see page 11, [0123-0124]).

It would therefore have been obvious to one of ordinary skill in the art to ensure that updated presence information is provided dynamically to presence proxies in order to improve the scalability of presence services using various presence attributes as taught by Salomaki.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime M. Holliday whose telephone number is (571)

272-8618. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jaime Holliday
Patent Examiner

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER